

## PROFESSIONAL LICENSURE DIVISION[645]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Mortuary Science hereby gives Notice of Intended Action to amend Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” and Chapter 101, “Licensure of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Iowa Administrative Code.

These proposed amendments remove duplicative language that already exists in Iowa Code section 144C.5 that gives a more defined progression of who has the right to control the disposition of a decedent’s remains. In addition, this rule making amends the requirement to send a renewal notice to funeral directors and funeral establishments to be consistent with legislative changes to Iowa Code section 147.10.

Interested parties were provided an opportunity to comment on the proposed amendments prior to publication of this Notice. The proposed amendments were distributed to Iowa Funeral Directors Association (IFDA) members. The Board received no comment on the proposed amendments.

Any interested person may make written comments on the proposed amendments no later than November 19, 2013, addressed to Judy Manning, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; e-mail [judith.manning@idph.iowa.gov](mailto:judith.manning@idph.iowa.gov).

A public hearing will be held on November 19, 2013, from 8:30 to 9 a.m. in Conference Room 513, Lucas State Office Building, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 144C, 156 and 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 100.10(3) as follows:

**100.10(3) *Authorizing person and preneed cremation arrangements.*** The authorized person has legal authority and may make decisions regarding the final disposition of the decedent. ~~If the decedent in the decedent’s lifetime requested that the decedent’s body be cremated by signing a cremation authorization, the authorized person at the time of death may revoke the cremation authorization to cancel the cremation.~~

ITEM 2. Amend subrule 101.10(1) as follows:

**101.10(1)** The biennial license renewal period for a license to practice as a funeral director shall begin on the sixteenth day of the licensee’s birth month and end on the fifteenth day of the licensee’s birth month two years later. ~~The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to expiration of the license.~~ The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive ~~the notice from the board~~ does not relieve the licensee of the responsibility for renewing the license. All licensees shall renew on a biennial basis.

ITEM 3. Amend subrule 101.13(2) as follows:

**101.13(2)** ~~A renewal of license application shall be mailed at least 60 days prior to the expiration of the license.~~ Failure to receive the notice from the board shall not relieve the license holder of the obligation to pay triennial renewal fees on or before the renewal date.